

**Creating Tomorrow Trust
Disciplinary Policy**



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Introduction:

This policy is designed to:

- ◆ Help and encourage all employees to achieve and maintain the expected standards of behaviour
- ◆ Provide a fair, reasonable and consistent method of dealing with alleged breaches of disciplinary standards

The procedure should be made known to all employees and should remain accessible to them.

Scope:

The procedure applies to all employees (including Headteachers) within the Academy Trust, other than support staff within their probationary period.

This procedure does not apply to matters of:

- ◆ Capability/ performance, unless the employee can reach the required standard but has wilfully not done so
- ◆ Sickness absence, unless there is good reason to believe that the reason for the absence is not genuine

Allegations of bullying, harassment, discrimination and/or victimisation will normally be handled under the Anti-Bullying and Harassment Policy initially. However, if the allegations are made concurrently with other allegations of misconduct/ gross misconduct, all the allegations may be investigated together under this policy.

Roles and Responsibilities:

Responsibility for informal disciplinary action

The line manager is responsible for seeking to resolve less serious conduct issues through informal action.

Responsibility for investigating the allegations

The investigator is responsible for:

- ◆ Gathering all the relevant facts
- ◆ Producing a written report
- ◆ Determining whether there is a case to answer, by recommending in their report either informal, formal or no action

The investigator cannot decide whether a disciplinary hearing should be held, make a disciplinary decision, or issue any disciplinary sanction. The investigator should not make judgements about whether the allegations are “proven” or what disciplinary sanction, if any, should follow.

It is normally the Headteacher’s responsibility to identify an appropriate person with the relevant knowledge, skills, and experience to investigate the allegations. This may be a member of the school’s leadership team (including the Headteacher), or an external person.

If allegations are against the Headteacher, it is the Chair of Governors’ responsibility to identify an appropriate person with the relevant knowledge, skills, and experience to investigate the allegations. This may be a Governor (including the Chair of Governors), or an external person.

Responsibility for making decisions at a disciplinary hearing

It is expected that the Governing Body will normally delegate this function to the Headteacher, unless the Headteacher:

- ◆ Is the subject of the allegations
- ◆ Has carried out the investigation into the allegations
- ◆ Is a witness to the allegations.

In situations where for any reason the Headteacher cannot perform this function, a committee of one or more Governors will be responsible.

A committee of Governors may, where necessary, consist of governors from other school(s) within the Local Authority/ Trust. The Chair of Governors will decide whether such steps are necessary having taken advice from their HR advisor and/ or appropriate person at the Trust.

Responsibility for hearing an appeal

Appeals will be heard by a committee of one or more Governors. The member(s) of the Appeals Committee will not have been previously involved in the case.

An Appeal Committee may, where necessary, consist of governors from other school(s) within the Local Authority/ Academy Trust. The Chair of Governors will decide whether such steps are necessary having taken advice from their HR advisor and/ or appropriate person at the Trust.

Responsibility for notifying other agencies in certain serious cases

The Headteacher is responsible for making the following referrals (the Chair of Governors will assume this responsibility if the referral is about the Headteacher):

- ◆ To the National College of Teaching and Leadership (NCTL) when a teacher has been dismissed for misconduct, or would have been dismissed had they not resigned first
- ◆ To the Disclosure and Barring Service (DBS) if someone has harmed or poses a risk of harm to a child and has been removed from working (paid or unpaid) in the school, or would have been removed had they not left

Principles:

Support for employees

The employee should be made aware of any support available to them through the confidential counselling services, for example:

- ◆ Any Employee Assistance Programme that the Trust employees may have access to
- ◆ The Education Support Partnership:
 - ◆ <https://www.educationsupportpartnership.org.uk/>
 - ◆ Telephone: 08000 562561
- ◆ A Trade Union Representative

Principles to which the Trust is committed

Employees will be made fully aware of the Trusts standards and expectations of conduct and behaviour and the possible consequences of falling below these standards. When appropriate, less serious conduct issues where no Safeguarding concerns are raised, will be dealt with informally.

All disciplinary issues will be dealt with in a timely way. Timescales will vary according to the specific circumstances – guidance can be sought from the HR advisor.

Employees will be encouraged to seek the advice of a trade union and be informed of their right to be accompanied by a work colleague or a trade union representative at all formal stages. No formal disciplinary action will be taken without a prompt, objective, and thorough investigation into the circumstances.

Employees will be given a full opportunity to respond before a decision is reached. The employee will be heard in good faith and decision makers will act impartially. An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissed without notice (summary dismissal).

An employee will be given a written explanation for any formal sanction. The employee will have the right of appeal against any formal disciplinary sanction.

What is Misconduct?

ACAS defines misconduct as “an employee’s inappropriate behaviour or action that breaks workplace rules.” The following are examples of misconduct and in severe cases some examples which could be considered as gross misconduct. This is not an exhaustive list:

- ◆ Leaving the place of work during the employee’s normal working hours without permission
- ◆ Frequent failure to attend work punctually
- ◆ Failure to comply with the school’s agreed procedures. E.g., failure to notify/certify absence
- ◆ Making unauthorised private phone calls or sending personal mail at the school’s expense or unauthorised use of the internet
- ◆ Failure to comply with reasonable instruction
- ◆ Failure to exercise proper control or supervision over pupils
- ◆ Failure to discharge without sufficient notice the obligations placed on the employee by their contract and terms and conditions of employment
- ◆ Abusive behaviour or language that is directed to employees, parents, pupils or members of the public
- ◆ A wilful attempt to be mislead
- ◆ Breach of any professional code of conduct applicable to the job

What is Gross Misconduct?

ACAS states that gross misconduct is “when an employee has done something that’s very serious or has very serious effects.” The following are examples of the sort of conduct that may be regarded as gross misconduct, making the employee liable to dismissal without notice. This is not an exhaustive list:

- ◆ Harming a child (whether physical, sexual, emotional harm or neglect)
- ◆ Serious bullying, harassment, discrimination or victimisation (this may be referred for a disciplinary hearing as an outcome of an investigation carried out under the ‘anti-bullying and harassment policy)
- ◆ Dishonesty, including theft, fraud, or deliberate falsification of records
- ◆ Acceptance of bribes
- ◆ Physical violence or threatening behaviour
- ◆ Sexual offences or sexual misconduct
- ◆ Serious negligence which causes or might cause unacceptable loss, damage, or injury
- ◆ Deliberate damage to school property

- ◆ Serious or persistent failure to comply with reasonable instruction
- ◆ Misuse of the school's property or name, or misuse of the official position for personal gain
- ◆ Being under the influence of illegal drugs or alcohol whilst at work, including at school events
- ◆ Serious infringement of health and safety rules
- ◆ Inappropriate contact with any pupil (regardless of age)
- ◆ Serious breach of any professional code of conduct applicable to the job
- ◆ Serious abuse of the school's computer equipment and/or software; including deliberately accessing internet sites containing pornographic, offensive, or obscene material and inappropriate use of social media
- ◆ Serious breach of trust and/or confidence
- ◆ Serious breach of child safeguarding or child protection rules
- ◆ Act(s) (within or outside the course of duty) that could have, or have brought the School and/ or the Trust into disrepute
- ◆ Serious breach of Data Protection regulations, which may also include the School's IT User Policy

If gross misconduct is determined at a disciplinary hearing the employee may be summarily dismissed – that is dismissed immediately without notice or pay in lieu of notice.

Child Protection Issues

If there is a child safeguarding allegation against any member of staff (including volunteers), the Headteacher will:

- ◆ Immediately seek initial advice from a Designated Officer (previous known as LADO)
- ◆ Not attempt to investigate the matter by interviewing any potential child witnesses or the accused person but simply record the facts / information that has been presented to them
- ◆ Take advice from both the Designated Officer and Trust HR before suspending any member of staff or taking any investigatory action

If any concerns are identified a strategy discussion will be held with the police to decide how best to proceed with the investigation.

Criminal Offences

Criminal offences outside employment will not be treated as automatic reasons for disciplinary action. The main consideration will be whether the employee's conduct warrants action because of its employment implications. The Headteacher, Chair of Governors or member of the Trust Leadership Team may need to liaise with the Police or other statutory bodies and take other proceedings into account when managing its process.

Generally, disciplinary action will not be postponed because criminal proceedings are contemplated or pending. The school/ Trust will investigate the facts as far as possible and act appropriate to the findings.

A decision by the Police / CPS not to charge or prosecute will not necessarily mean that action under this policy will not continue. The burden of proof in criminal cases (beyond reasonable doubt) is different from the burden of proof in disciplinary cases (balance of probabilities). Where criminal charges result in an employee being unable to fulfil their contractual obligations this may result in dismissal.

In all cases advice may be sought from the Trust HR Advisor.

Suspension

In some circumstances it may be appropriate to suspend an employee whilst investigations are carried out. Advice should be sought from the Trust HR Advisor before suspension.

Careful consideration must be given to alternatives to suspension (e.g., moving the employee to other work or another location) in the first instance. Suspension should be a last resort, only to be applied where the circumstances of the case make it unacceptable for the employee to remain in school/ place of work while an investigation is carried out. Suspension is always on full pay.

Some examples of where suspension may be appropriate are as follows. This is not an exhaustive list:

- ◆ Children are at risk
- ◆ Staff are at risk
- ◆ The employee needs protection
- ◆ The allegation if proved is likely to amount to gross misconduct
- ◆ The school's reputation may otherwise suffer unduly
- ◆ The presence of the employee may impede the investigation

Suspension is a protective measure and is not in any sense a disciplinary sanction or implication of guilt. Only the Headteacher, Governing Body or member of the Trust Leadership Team can suspend an employee. Whenever practicable, the employee should be called to a meeting. This may be at very short notice. Written confirmation of the suspension, which will include an explanation of why suspension is necessary will be sent within one working day.

Only the Governing Body or member of the Trust Leadership Team can lift the suspension.

The period of suspension should be kept as brief as possible and kept under regular review by the Headteacher, Chair of Governors or member of the Trust Leadership Team. Investigations should be started immediately. The suspension will normally last until the investigation has been concluded or any resulting disciplinary hearing has been held.

Whilst suspended, the employee should not contact any pupils, other members of staff, or come onto the school premises or their place normal place of work without the written permission of the Headteacher, Chair of Governors or member of the Trust Leadership Team. However, where practicable, the following support should be offered to the employee during the period of suspension:

- The name of a responsible person to act as a point of contact, to provide information on the progress of the investigation.
- Information on counselling that may be available. E.g., through Employee Assist, Education Support Partnership, and other appropriate sources of support.
- Reasonable access to information which will help the employee to prepare their case.

Grievance during the disciplinary process

If an employee raises a grievance or bullying/harassment complaint during a disciplinary process, the Headteacher/ Chair of Governors or Trust Leadership Team will decide what to do depending upon the circumstances of the case, considering HR advice. The options are:

- ◆ Both procedures run concurrently
- ◆ The grievance / complaint is considered as part of the disciplinary procedure
- ◆ The disciplinary process is suspended

Trade Union Officials

If the subject of a disciplinary matter is an official representative of a trade union, the Headteacher/ Chair of Governors or Trust will contact their HR Advisor. No action (including suspension) will be taken beyond the informal stage, until the circumstances have been discussed with a senior representative or paid official as nominated by the relevant trade union, after obtaining the employee's agreement to discuss the matter.

Procedure:

Informal action

Where possible, less serious misconduct will be dealt with informally. Consistency of approach to discussing and handling these matters with employees is important. General conduct issues can be resolved by the line manager through providing guidance, advice, the opportunity to undertake further development, coaching and counselling.

Informal discussions should be conducted privately, and the focus should be a two-way discussion that facilitates the opportunity to encourage improvement. During the discussion, the line manager will consider and listen to the views of the employee. Where improvement is required, the line manager will ensure that the employee clearly understands the level of improvement required, how their conduct will be reviewed and over what period. The employee should be advised that should there be no improvement or further conduct issues these will be dealt with under the formal procedure.

The line manager will confirm the key aspects and outcomes of the informal discussion in writing.

If during discussion it becomes obvious that the matter may warrant formal investigation, the meeting should be stopped, and the employee will be continued under the formal procedure.

Formal Disciplinary Procedure

An employee has the right to be accompanied at all meetings under the formal disciplinary procedure, by a work colleague, trade union representative or an official employed by a trade union.

The companion may address the meeting to put and sum up the employee's case, respond on behalf of the employee to views expressed at the meeting and confer with the employee during the meeting.

The companion does not have the right to answer questions on behalf of the employee, address the meeting if the employee does not wish it or to prevent the others from being heard.

Unavailability of Trade Union Representative/Official

Under this policy, the right to be accompanied is extended to the investigatory interview(s). However, investigatory interview(s) will not be unduly delayed allowing a particular representative or colleague to attend.

If the employee's representative or colleague cannot attend a disciplinary hearing on the proposed date, the employee can propose another date that is reasonable and is not more than 7 calendar days after the original date proposed, unless mutually agreed otherwise.

Hearings will not be rearranged more than once unless there are exceptional circumstances, in which case a further rearrangement will be at the discretion of the Headteacher/ Chair of Governors or Trust Leadership Team. Normally, a rearranged hearing will proceed, and if necessary, this may be in the employee's absence.

Failure by the employee to attend meetings

Employees must take all reasonable steps to attend meetings or hearings under this policy. An employee who cannot attend a meeting should inform the relevant person in advance.

If the employee fails to attend and has not provided an acceptable reason in advance, reasonable attempts should be made to contact them. A decision may be made for the meeting to go ahead in their absence. If the employee fails to attend through circumstances beyond their control the meeting should be rearranged considering the reason.

If the inability to attend is related to the employee's sickness, a medical certificate should be provided. In some cases, a referral to Occupational Health may be made where deemed necessary to consider whether the employee is fit to attend a disciplinary meeting. Where the medical opinion is that the employee cannot attend, the Headteacher/ Chair of Governors will decide for how long it is reasonable to delay the meeting, considering medical information, the needs of the school and all the relevant circumstances. However, the meeting will not be postponed indefinitely. If the employee's absence is ongoing when the meeting goes ahead, the employee will be given the option of providing written representations and / or having their trade union representative attend on the employee's behalf (if the employee is a member of a trade union).

Location of Meetings

Meetings will always be conducted in a private setting and there may be circumstances when it is appropriate for these to be held in external locations.

Notes of Meetings

Notes of all formal meetings should be taken, and copies of the notes circulated to all parties as soon after the meeting as practicable. The note taker is arranged by the

school and cannot be a party/ witness to the allegations.

If amendments to the notes are requested by any individual who was present at the meeting, these changes must be made in a separate document, signed, and appended to the original notes so that the original document remains unaltered.

Investigation Stage

Where a complaint of misconduct warrants formal investigation, an appropriate person will be appointed to conduct a full investigation (see Section 3 - Responsibilities).

The aim of the investigation is to establish the facts of the case as promptly and thoroughly as practicable. The employee will be informed:

- ◆ That an investigation is taking place
- ◆ Of the details of the complaint/allegation
- ◆ Of their right to be accompanied

If the employee is required to attend an investigation meeting, they will be given reasonable notice of this meeting where practicable.

Once the investigation is complete the investigator will produce a report. The report will state whether the investigating officer considers there could be a case to answer and whether they recommend informal, formal or no action.

The person or panel who would conduct the disciplinary process (not the investigating officer) decides about whether a disciplinary hearing will be held. If the decision-maker decides to take/not take formal action and this differs from the investigator's recommendation, the reasons should be recorded and included as an addendum to the investigation report.

If a decision not to take formal disciplinary action is taken, the matter will be closed, and the employee informed in writing.

If a decision to take formal disciplinary action is taken, normally the Headteacher / Chair of Governors will arrange a disciplinary hearing. The employee will be notified in writing.

Exceptionally, where there is a case to answer, the matter may be less serious than the allegations first indicated. The Headteacher / Chair of Governors may decide it is more appropriate to resolve the matter informally than hold a formal disciplinary hearing.

Disciplinary Hearing

The decision maker(s) at the disciplinary hearing (see section 3 – Responsibilities) will notify the employee in writing of the hearing:

- ◆ Giving at least 7 calendar days' notice

- ◆ Informing them of their right to be accompanied
- ◆ Given details of the allegations
- ◆ Informing them that either party can produce witnesses and/or written statements and relevant supporting documents

An exchange of documents should take place at least 7 calendar days before the hearing although this may be extended or reduced with the agreement of the appointed decision maker.

A model agenda for the disciplinary hearing can be found at Appendix 1.

Witnesses

If witnesses are called to give evidence their identity will be disclosed to the other party in advance, unless exceptional circumstances prevent this e.g., where anonymity is to be preserved. Caution should be exercised where children could be called as witnesses. However, where there is a requirement to call children, parents or guardians must be informed and given the opportunity to accompany the child at the hearing.

The other party will receive advance copies of written witness statements to which reference will be made at the hearing. It is preferable that the authors of statements attend the hearings as witnesses, although in certain circumstances it is acknowledged that this may not be appropriate or necessary e.g., in the case of children or where anonymity is to be preserved.

Advice

The decision maker(s) may have an HR Advisor in attendance in an advisory capacity. The investigator may also be supported by an HR advisor.

Making the Decision

The decision maker(s) will deliberate in private, with their HR Advisor present in an advisory capacity only. The parties may be recalled to clear points of uncertainty on evidence already given. If a recall is necessary, both parties are to return even if only one is concerned with the point giving rise to doubt.

Where there is a committee of two or three governors, they will make all reasonable efforts to reach a unanimous decision.

If a unanimous decision cannot be reached:

- ◆ In a committee of two governors, the Chair of the Committee will have the casting vote
- ◆ In a committee of three governors, a majority decision can be taken.

Communicating the Decision

The decision maker(s) will give the employee their decision on the day of the hearing whenever possible. The decision will be confirmed in writing within 7 calendar days of the hearing.

Hearing Outcomes

Whether or not the allegations are substantiated will be decided on the balance of probabilities, having carefully considered all the evidence.

Case not Substantiated

If the Decision Maker(s) consider that the allegations against the employee are not substantiated, if possible, the employee will be informed of this at the meeting and the decision will be confirmed in writing. All reference to the matter in question will be removed from the employee's personal file.

Case Substantiated

If the Decision Maker(s) considers that one or more of the allegations are substantiated, an appropriate disciplinary sanction will be given, having regard to all the circumstances. Wherever possible, the employee will be informed of this at the hearing and the decision will be confirmed in writing.

Disciplinary Sanctions

Written Warning

In cases of misconduct, a written warning will normally be given:

- ◆ Detailing the reasons for the warning and any improvements required
- ◆ Advising that further action will be considered if the improvements required are not met
- ◆ Informing the employee of the right of appeal

A copy of the warning will be kept but will normally be disregarded for disciplinary purposes after 12 months, subject to continuous satisfactory conduct during this period.

Final Written Warning

A Final Written Warning may be appropriate:

- ◆ For serious misconduct which would be insufficient to justify dismissal but would warrant only one written warning
- ◆ For very serious misconduct which would justify summary dismissal for gross misconduct, but a lesser penalty is appropriate in the circumstances; or
- ◆ Where there is still a failure to improve conduct following previous written warning(s)

A final written warning will:

- ◆ Detail the reasons for the warning and any improvements required
- ◆ Advise that dismissal may occur if the improvements required are not met
- ◆ Informing the employee of the right of appeal

A copy of the warning will be kept on the employee's personal file but will normally be disregarded for disciplinary purposes after 18 months, subject to continuous satisfactory conduct during this period.

Warnings and periods of absence

Warnings are applicable during times that an employee is at work. Therefore, where an employee is absent from work for any reason, for more than 28 days, consideration will be given to placing the warning “on hold” and reinstating it when the employee has returned to work.

Dismissal

Dismissal is likely to occur if:

- ◆ There is a failure to improve, or a further act of misconduct has occurred after a Final Written Warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice
- ◆ There is a serious failure to improve or a further act of serious misconduct after a Written Warning has been given and remains live. Dismissal will be with notice or pay in lieu of notice
- ◆ There is an act of gross misconduct. Dismissal will be without notice (summary dismissal). In such cases pay will cease when the decision to dismiss is made and reinstated in full if an appeal is subsequently successful
- ◆ The employee will be provided with written confirmation of dismissal within 7 calendar days, containing the date on which the contract ends, the reason for dismissal and the right of appeal

Appeal

Submitting an Appeal

An employee may lodge an appeal in writing against the outcome of a formal disciplinary hearing, by writing to the Headteacher/ Chair of Governors or member of the Trust Leadership Team within 14 calendar days of receipt of confirmation of the disciplinary action.

The letter of appeal from the employee must:

- ◆ State their ground(s) for appealing, which must be one or more of the following:
 - The findings of the hearing in relation to one or more of the allegations were wrong
 - The disciplinary sanction given was too severe or disproportionate
 - The disciplinary procedure has been applied defectively or unfairly
 - New evidence has become known which was not reasonably available at the disciplinary hearing, and which is relevant and may make a difference to the original decision

For each ground of appeal raised, provide full details of why that ground of appeal applies, including all the key points they wish to present in their appeal.

The appeal will be heard at the earliest opportunity, and normally within 4 calendar weeks of receipt of the request. The Appeals Committee may have an HR Advisor in attendance in an advisory capacity. The decision maker at the original hearing will also be in attendance to explain their decision and their HR advisor may also attend.

Notification of Appeal Hearing

The employee will be informed in writing of the place, date and time of the hearing, and their right to be accompanied, at least 7 calendar days in advance of the date of the appeal hearing.

Evidence for Appeal Hearing

Evidence presented to the appeals committee must relate to one or more of the four grounds stated above and must enable the assessment of whether the allegations against the employee were substantiated and whether the disciplinary action was appropriate in all the circumstances. If either party wishes to introduce new evidence, they must give written details of the new evidence and provide copies of any supporting documents, names of any witnesses, or written statements to be presented.

New evidence should be provided to the Chair of the Appeals Committee at least 5 days prior to the hearing. The Chair of the Appeals Committee has complete discretion as to whether to allow the new evidence.

In exceptional circumstances, additional new evidence may be permissible after this deadline at the complete discretion of the Chair of the Appeals Committee.

If, at the appeal hearing, the Appeal Committee decides that because of new evidence further investigation, information, or clarification is required, it may be appropriate to adjourn and reconvene when this has been completed.

Making the Decision

The Appeals Committee will deliberate in private, with their HR Advisor present in an advisory capacity only. The parties may be recalled clarifying points of uncertainty on evidence already given. If a recall is necessary, both parties will return.

Where there is a committee of two or three governors, they will make all reasonable efforts to reach a unanimous decision.

If a unanimous decision cannot be reached:

- ◆ In a committee of two governors, the Chair of the Committee will have the casting vote
- ◆ In a committee of three governors, a majority decision can be taken.

The decision will be announced at the close of the hearing whenever possible. The Chair of the Appeals Committee will confirm the decision in writing within 7 calendar days of the hearing.

The decision can confirm or overturn the original decision, or apply a greater, lesser, or alternative penalty.

The decision of the Appeal Committee is final.

A Guide to the Appeal Hearing can be found in Appendix 2.

Data Protection:

The organisation processes personal data collected during investigation meetings, any subsequent stages of the disciplinary process and in recording any sanctions/actions taken, in accordance with its Data Protection Policy. This will include data about suspension. A written record of meetings conducted under this procedure may also be made, either by the person holding the meeting or by an additional person arranged by the organisation to take notes.

Data collected as part of the investigation and any subsequent stages of disciplinary process is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records are retained and destroyed in accordance with the organisations Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under this Disciplinary Procedure.

APPENDIX 1

A GUIDE TO THE DISCIPLINARY HEARING

(This agenda assumes the Headteacher will be making the disciplinary decision)

1. Introductions

- ◆ The Headteacher introduces him/herself and invites all others to introduce themselves. The Headteacher runs through the agenda.

2. Nature of the complaint

- ◆ The Headteacher specifies the complaint and checks that all parties have the relevant documents.

3. Presentation by investigator

- ◆ The Investigator presents their case and calls any witnesses (Witnesses can be questioned by the investigator/their HR support, the employee/their representative, the Head teacher/their HR advisor, and then re-examined by the investigator before they exit the hearing).

4. Questions by employee

- ◆ The employee and/or representative may question the Investigator.

5. Questions by Headteacher

- ◆ The Headteacher and/or their HR Advisor may question the Investigator.

6. Presentation by employee

- ◆ The employee and/or their representative present their case and call any witnesses (Witnesses can be questioned by the employee/their representative, investigator/their HR support, the Headteacher/their HR advisor, and then re-examined by the employee/their representative before they exit the hearing).

7. Questions by Investigator

- ◆ The Investigator and/or their HR support may question the employee.

8. Questions by Headteacher

- ◆ The Headteacher and/or their HR Advisor may question the employee.

9. Final statement by investigator

- ◆ The Investigator may make a final statement.

10. Final statement by employee

- ◆ The employee and/or representative may make a final statement.

11. Withdrawal

- ◆ Both parties withdraw to allow the Headteacher to come to a decision. The HR advisor remains. Both parties may be asked to remain available in case the committee need to clarify any points.

12. Adjournments

- ◆ Either party may ask for an adjournment during the course of the hearing.

APPENDIX 2

A GUIDE TO THE APPEAL HEARING

1. Introductions

- ◆ The Chair of the Appeal Committee introduces him/herself and invites all others to introduce themselves. The Chair runs through the agenda.

2. Nature of the meeting

- ◆ The Chair specifies the nature of the appeal meeting, setting out the allegations that were originally upheld and checks that all parties have the relevant documents.

3. Presentation by employee

- ◆ The employee and/or their representative present their case and call any witnesses. (Witnesses can be questioned by the employee/their representative, management /their HR support, the Appeal Committee /their HR advisor, and then re-examined by the employee/their representative before they exit the hearing).

4. Questions by person presenting the management case

- ◆ The person presenting the management case (the Headteacher/Chair of Disciplinary Committee) and/or their HR support may question the employee.

5. Questions by committee members

- ◆ The committee members and/or their HR Advisor may question the employee.

6. Presentation by management

- ◆ The Head Teacher/Chair of Disciplinary Committee presents the management case and calls any witnesses. (Witnesses can be questioned by management/their HR support, the employee/their representative, the Appeal Committee/their HR advisor, and then re-examined by management before they exit the hearing).

7. Questions by employee

- ◆ The employee and/or representative may question the person presenting the management case.

8. Questions by committee members

- ◆ The committee members and/or their HR Advisor may question the person presenting the management case.

9. Final statement by employee

- ◆ The employee and/or representative may make a final statement.

10. Final statement by management

- ◆ The person presenting the management case may make a final statement.

11. Withdrawal

- ◆ Both parties withdraw to allow the Appeal Committee to come to a decision. The Committee's HR advisor remains. Both parties may be asked to remain available in case the committee needs to clarify any points.

12. Adjournments

- ◆ Either party may ask for an adjournment during the course of the hearing.